



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

MPC

*271 Cadman Plaza East
Brooklyn, New York 11201*

July 8, 2016

BY ECF

The Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Nouredine Malki v. United States
Miscellaneous Docket No. 16-1680 (BMC)
(Related to Criminal Docket Nos. 05-845, 06-216 (BMC))

Dear Judge Cogan:

The government respectfully submits this letter in response to the Court's order dated June 29, 2016 to provide a response as to the defendant's pro se motion for return of property filed pursuant to Rule 41(g) of the Federal Rules of Criminal Procedure. In his application, the defendant seeks the return of his laptop computer and attached external hard drive (the "laptop computer").

Contrary to the defendant's claim, the laptop computer remains contraband property, as the laptop computer is now classified material. The defendant testified during his initial sentencing hearing that he placed a compact disk containing classified information, including the 82nd Airborne PowerPoint presentation, into the laptop computer. See Sentencing Memo at 43. Thus, the defendant's conduct in placing classified material on the laptop computer rendered the laptop computer classified.

Furthermore, the defendant's claim that the laptop computer did not contain "jihadist materials" also is false. Among such materials that were discovered on the laptop computer were videos promoting suicide attacks in Israel and pro-al Qaeda

propaganda. Additionally, the laptop computer contained images that were anti-Semitic in nature and images of masked Islamist militants. See Sentencing Memo at 16,20.

For the foregoing reasons, the defendant's pro se motion for return of the laptop should be denied.

Respectfully submitted,

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UNITED STATES ATTORNEY

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cc: Clerk of the Court (BMC) (By ECF)